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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

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315 U.S. 814

No. 899

PERRY L. DAVIS AND CLAUDE C. BLEDSOE,
Petitioners,

vs.

THE STATE OF IOWA.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF IOWA AND BRIEF IN SUPPORT THEREOF.

C. N. JEPSON,
A. H. BOLTON,
H. C. HARPER,
CARLOS W. GOLTZ,
Counsel for Petitioners.

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THE STATE OF IOWA.

PETITION FOR A WRIT OF CERTIORARI.

To the Honorable Chief Justice and the Honorable Members of the Supreme Court of the United States, this petition is respectfully directed.

This is a petition for a review on writ of certiorari of a decision of the Supreme Court of Iowa (*State* v. *Davis, et al.*, 230 Iowa, 309, 297 N. W., 274).

The jurisdiction of this Honorable Court is sought under the provisions of Amendment Fourteen of the Constitution of the United States, which provides: "* * * nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The petitioners state that they have, in order to obtain justice, availed themselves of every proceeding known under

the law of Iowa, and were convicted upon false, paid, perjured testimony, which they can establish beyond any doubt.

They say and here state that their conviction, and the affirmation of the same, was without due process of law, because, among other reasons, the jury was coerced in bringing a verdict against them, all of which can be shown from the abstract of the record filed in the Supreme Court of Iowa, (copies of which have been sent to the Clerk of this Honorable Court) commencing on page 119 thereof, and further their civil rights were denied, as can be shown by lengthy affidavits showing that material witnesses against them perjured themselves.

Your petitioners also state that they were detective sergeants of the Sioux City, Iowa, police department, and, as far as they know, this is the first time that police officers have been sentenced to the penitentiary on the testimony of unlawful persons who should have been incarcerated, but, due to a graft and corruption ring, they became victims of it; that they arrested and succeeded in convicting more criminals than the remainder of their department during the period in which they were alleged to have committed a crime.

All they have asked for has been a fair hearing, which has been denied. They say if a hearing is allowed to them they will conclusively prove their innocence, and they were not given an opportunity to defend themselves, and the jury in the case was coerced, which can be shown, as they think, beyond question.

They state that they are persons who might enable themselves to present this writ *in forma pauperis* (*Lisenba* v. *California,* December 8, 1941), but are hopeful to obtain assistance from family relations, poor as they may be, and friends, sufficient to pay the filing fee, the printing, and other costs. Hours of dictation could be spent in endeavoring to elucidate facts and, as an explanation for making

these statements, the new rules seemingly require brevity and they would not have the money to pay for the preparation of the same.

The verdict against the petitioners was returned on April 11, 1940. The conviction of them was confirmed by the Supreme Court of Iowa on April 8, 1941 (*State* v. *Davis, et al.*, 230 Iowa 309, 297 N. W. 274). A petition for rehearing was overruled September 26, 1941.

WHEREFORE, the petitioners respectfully pray that a writ of certiorari may be issued out of and under the Seal of this Honorable Court, directed to the Supreme Court of Iowa, commanding said Court to certify and send to this Honorable Court, on a day certain to be therein designated, a full and complete transcript of records and all proceedings in the case entitled *State* v. *Davis, et al.*, 230 Iowa 309, 297 N. W. 274, to the end that said case may be reviewed and determined by this Honorable Court as provided by the Judicial Code and the Revised Rules, or that your petitioners may have such other and further relief or remedy in the premises as this Honorable Court may deem appropriate, and in conformity with the provisions of law, and that the judgment of the District Court of Woodbury County, Iowa, in this case, affirmed by the Supreme Court of Iowa, be reversed, and a new trial be ordered.

C. N. JEPSON,
A. H. BOLTON,
H. C. HARPER,
CARLOS W. GOLTZ,
Attorneys for Petitioners.